

1 Hon. Ronald B. Leighton
2
3
4
5
6

7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**

9 MARK HOFFMAN, on behalf of himself
10 and all others similarly situated,

11 Plaintiff,

12 v.

13 HEARING HELP EXPRESS, INC.,

14 Defendant.

15 CASE NO. 3:19-cv-05960-RBL

16 **DECLARATION OF NICOLE
METRAL IN SUPPORT OF
DEFENDANT HEARING HELP
EXPRESS, INC.'S OPPOSITION
TO PLAINTIFF'S MOTION TO
COMPEL**

17 NOTED FOR CONSIDERATION:
May 22, 2020

18 ORAL ARGUMENT REQUESTED

19 I, Nicole Metral, declare as follows:

20 1. I am an attorney at law duly licensed to practice before all the courts of the State
21 of California and have been admitted *pro hac vice* to practice before this Court in this case. I am
22 an associate attorney in the law firm of Blank Rome LLP ("Blank Rome"), attorneys for
23 Defendant Hearing Help Express, Inc. ("Hearing Help") in the above-entitled action. I have
24 personal knowledge of the facts set forth in this declaration, and if called upon to testify as a
witness, I could and would competently testify to the following facts. I submit this declaration in
support of Hearing Help's Opposition to Plaintiff's Motion to Compel.

25 2. After Hearing Help served its responses to Plaintiff's Interrogatories and Requests
26 for Production, my office and counsel for Plaintiff participated in a meet and confer telephone

27 DECLARATION OF NICOLE METRAL IN SUPPORT
OF OPPOSITION TO MOTION TO COMPEL - 1
No. 3:19-cv-05960-RBL

VAN KAMPEN & CROWE PLLC
1001 Fourth Avenue, Suite 4050
Seattle, Washington 98154-1000
(206) 386-7353

1 conference and continued meet and confer efforts over e-mail. On April 29, 2020, I sent an e-
2 mail to Plaintiff's counsel stating that that Hearing help would produce "a list of the phone
3 numbers for all of the Triangular leads as well as some call log details including the outbound
4 phone number, the number a call was made to, the date of the call, and call duration for all calls
5 made to the Triangular leads."

3. To date, Hearing Help has produced 15,924 pages of documents to Plaintiff.

7 4. The spreadsheet referred to in the Declaration of Rich Calligan that has been
8 produced to Plaintiff is identified with bates label HHE0015053.

9 5. On May 5, 2020, Plaintiff's counsel, Anthony Paronich, sent me an e-mail
10 attaching two declarations he received from Triangular Media Corp. Attached hereto as Exhibit
11 1 is a true and correct copy of the Declaration of Dana Lurie that was attached to Mr. Paronich's
12 e-mail. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Gorgi
13 Gorgiev that was attached to Mr. Paronich's e-mail.

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.

16 || Executed on May 18, 2020, at Los Angeles, California.

By: /s/ Nicole Metral
Nicole Metral

Declaration of Service

I certify that on this day, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following:

TERRELL MARSHALL LAW GROUP
Beth E. Terrell
Jennifer Rust Murray
Adrienne D. McEntee
Benjamin M. Drachler
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Phone: (206) 816-6603
BTerrell@terrellmarshall.com
JMurray@terrellmarshall.com
AMcentee@terrellmarshall.com
bdrachler@terrellmarshall.com

PARONICH LAW, P.C.
Anthony I. Paronich
350 Lincoln Street, Suite 2400
Hingham, Massachusetts 22043
Phone: (617) 485-0018
Fax: (503) 318-8100
Anthony@paronichlaw.com

Attorney for Plaintiff

Attorneys for Plaintiff

Signed at Seattle, Washington this 18th day of May 2020.

/s/ David E. Crowe
David E. Crowe

DECLARATION OF NICOLE METRAL IN
SUPPORT OF OPPOSITION TO COMPEL- 3
No. 3:19-cv-05960-RBL

VAN KAMPEN & CROWE PLLC
1001 Fourth Avenue, Suite 4050
Seattle, Washington 98154-1000
(206) 386-7353